

REMARKS

Claims 1-21 are currently pending in the application; claims 6-19 have been withdrawn from consideration in response to the Restriction Requirement mailed November 2, 2005; claims 20 and 21 are newly added with this paper.

Claim 1 was amended to clarify that the sensing device includes a sample exposure portion configured to maintain a liquid analyte sample in contact with the nanotube. Similarly, claim 2 was amended to clarify that the sample exposure portion is configured to maintain contact with a liquid having an electrical conductivity not substantially greater than the electrical conductivity of cyclohexane.

Support for the newly added claims and the amendments may be found throughout the specification, particularly at paragraph [0016], which describes the sample exposure portion of the sensing device which maintains the liquid analyte sample in contact with the nanotube. Support may also be found in the claims as originally filed. Accordingly, no new matter is added by this amendment.

Rejection Under 35 USC § 102(e)

Claims 1-5 were rejected as allegedly anticipated by Dai et al. (USP 6,528,020). While not agreeing with the propriety of the rejection, Applicants have amended claim 1 to clarify that the sensing device includes a sample exposure portion configured to maintain a liquid analyte sample in contact with the at least one nanotube. Because Dai et al. does not teach or disclose each and every limitation claimed in the instant

invention, Dai et al. cannot be said to anticipate claims 1-5 or newly added claims 20-21.

Conclusion

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, the Examiners is invited to contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. **50-2862**.

Respectfully submitted,
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